Oyster Enforcement Maryland cracks down on poachers By Candy Th

By Candy Thomson

n a small, neat courtroom on the Lower Eastern Shore, Maryland natural resources law enforcement took a leap forward in March, when a judge decided that seeing was believing.

"It is clear to this court that you were in and out of the sanctuary, oystering," Somerset District Judge Paula Price told two watermen as she held a picture documenting the illegal movements of their vessel.

The image was the product of a radar and camera system known as MLEIN — the Maritime Law Enforcement Information Network — that debuted last October at the start of Maryland's oyster season.

After reviewing the MLEIN evidence and the lengthy records of the two watermen before her, Judge Price ordered the vessel's captain to pay a \$1,000 fine — \$550 above the preset fine — and the mate to pay a \$450 fine.

A watchful eye

For Natural Resources Police officers on the water, MLEIN provides another set of eyes, seeing beyond the horizon and standing watch as an invisible sentinel over a fragile resource.

NRP has help from above too. A partnership with Maryland State Police Aviation resulted in 17 flights over Eastern Shore oyster beds by state-of-the-art helicopters during the six-month season that ended March 31. An infrared camera housed in the nose of aircraft allowed NRP observers to watch activity and read identifying lettering on boat hulls as far away as 12 miles.

"MLEIN and the State Police flights not only help our officers make cases, but also act as a deterrent," says Col. George F. Johnson IV, NRP superintendent. "The days of poachers using lookouts to shadow our officers and provide warnings are over. You can't give warnings for what you can't see."

On nearly a half-dozen occasions, MLEIN helped officers track commercial vessels illegally working in oyster reserves and sanctuaries. On March 14, a State Police helicopter with an NRP observer aboard directed officers in a patrol boat to a remote site on the Lower Eastern Shore where three boats were harvesting oysters from a protected area.

All told, the new technology helped NRP officers charge 17 watermen with



Using a State Police helicopter, NRP caught four watermen harvesting oysters from a protected area in Somerset County in March.

poaching last season. The cases are now working their way through the legal system and those found guilty also are facing possible DNR administrative action in the form of license suspension or revocation.

For example, in March DNR revoked the commercial license of a Queen Anne's County waterman who was caught poaching six times and received 16 citations. He is now banned from working in any aspect of the commercial fishing industry. In another case, an administrative law judge upheld the permanent license revocation of a Dorchester County waterman, pending a potential court appeal.

"The radar and helicopters will never replace officers who go out, day and night, in all kinds of weather to enforce our laws," says Johnson. "You still need officers to stop boats, inspect catches, visit wholesalers and write tickets. That won't change. But the new technology shrinks the neighborhood we patrol."

Rebounding results

The impetus and focus comes from Governor Martin O'Malley's signature Oyster Restoration and Aquaculture Development Plan. The blueprint contains a robust enforcement component that begins on the water with a ticket and ends in local courtrooms, where judges schooled in natural resources laws handle the cases.

"Most judges don't know about oysters. They don't understand how much money the Governor has put into oyster conservation," District Court Chief Judge Ben Clyburn told the Maryland Daily Record newspaper. "Now they realize how important [poaching] is and how dangerous it is."

It was Clyburn, an avid angler, along with Johnson and the Attorney General's Office who devised the natural resources-



The seized oysters ranged from six to 46 percent undersized

forestry cases clustered on the same day each month.

"It has made a difference," Johnson says. "Judges get to know the bad actors and handle those cases accordingly. Repeat offenders are learning that the old way of doing business — a small fine and slap on the wrist — will soon be a thing of the past."

But enforcement is just part of the story. The O'Malley restoration plan has nearly tripled the size of oyster sanctuaries located in quality habitat from 9 percent to

2013-2014 Oyster season citations

includes \$7.3 million for restoration work in Harris Creek and Little Choptank River sanctuaries, using fresh-shucked and fossilized shell to rebuild oyster bars. When completed, up to 371 acres of oyster habitat in Harris Creek and 342 acres in the Little Choptank will have been

Oysters are responding. Maryland's 2013 Fall Oyster Survey indicates the oyster biomass index, a combined measure of wild oyster abundance and size, has

directly restored to serve as a haven for the

iconic Maryland species.

License (6)

■ Size (67)

■ Time (2)

Area/Method (41

Over Limit (5)

■ Equipment (0)

■ Misc (10)

more than doubled since 2010, reaching its highest point since this type of monitoring began in 1985. Preliminary harvest reports for the past season have already surpassed 425,000 bushels — with a dockside value in excess of \$13 million — the highest in at least 15 years.

The oyster industry is responding favorably as well. Maryland has issued 310 shellfish aquaculture leases, representing a total of 3,578 acres earmarked for oyster production in the rivers and embayments of the Chesapeake Bay.

But the work is far from over.

"It's really a tale of two Bays," says Michael Naylor, DNR Fisheries Service assistant director. "The lower Bay is rebounding and there are really encouraging signs. But there was no harvest this season above the Bay Bridge, where we still have much work to do."

"The analogy I like to use is that your whole lawn has died except for under the big maple tree," Naylor continues. "That remaining patch of lawn looks good, but it's going to take a lot of direct attention and intervention to bring the rest of it back. That's what we're working on to restore both the oyster population and the health of the Bay."

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Candy Thomson is NRP's Public Information Officer.

NRP officers cited 131 violations.

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